

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE DOE,

Plaintiff,

v.

**THE HOSPITAL OF UNIVERSITY OF
PENNSYLVANIA et al.,**

Defendants.

CIVIL ACTION

NO. 2:19-cv-02881-KSM

ORDER

AND NOW, this 29th day of June, 2021, upon consideration of Defendants' the Hospital of University of Pennsylvania, the Trustees of the University of Pennsylvania, the University of Pennsylvania Health System, and Dr. Octavia Pickett-Blakely's Partial Motion to Dismiss the Amended Complaint (Doc. No. 23), Plaintiff Jane Joe's response (Doc. No. 25), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that Defendants' motion (Doc. No. 23) is **GRANTED in part** and **DENIED in part**. It is **FURTHER ORDERED** as follows:

1. Defendants' motion is **GRANTED** as to Doe's negligence, gross negligence, and reckless conduct claims (Counts V, VI, & VII), and those claims are **DISMISSED, without prejudice**.
2. Defendants' motion is **DENIED** as to Doe's Americans with Disabilities Act and Rehabilitation Act claims (Counts XI, XII & Count XIII).
3. As for Doe's privacy claim (Count VIII):

- a. To the extent Doe brings an intrusion upon seclusion claim and bases it on Defendants' unauthorized disclosure to the Equal Employment Opportunity Commission ("EEOC"), Defendants' motion is **GRANTED** and the claim is **DISMISSED, without prejudice.**
 - b. To the extent Doe brings an intrusion upon seclusion claim and bases it on Defendant Penn police officers forcibly entering her hospital room, throwing her on the wheelchair, handcuffing her, and wheeling her partially naked through the hospital, Defendants' motion is **DENIED** and the claim survives.
 - c. To the extent Doe brings an unreasonable publicity given to private life claim and bases it on either unauthorized disclosure of her personal health information to the EEOC or to Defendants revealing her partially naked body, Defendants' motion is **GRANTED** and the claim is **DISMISSED, without prejudice.**
4. To the extent Doe chooses to amend her amended complaint in accordance with this Memorandum, she must do so by **July 20, 2021.**

IT IS SO ORDERED.

/s/KAREN SPENCER MARSTON

KAREN SPENCER MARSTON, J.